



Attorney's Docket No.: 12758-016001  
Client Ref.: 1998P02408WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stefan Hennen, et al.                      Art Unit : 2664  
Serial No. : 09/763,483                                      Examiner : Jamal A. Fox  
Filed : May 25, 2001    Confirmation No.: 7840  
Title : TELECOMMUNICATIONS SYSTEM AND METHOD FOR PRODUCING A  
MASTER CLOCK IN THE SAME

Mailstop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
EVIDENCE THAT A REPLY WAS TIMELY MAILED

In accordance with MPEP §711.03(c)(I)(B), Applicants hereby petition to withdraw the holding of abandonment in this application for allegedly failing to respond to the Notice Of Allowance dated June 15, 2005. In fact, as evidenced below, a response to the Notice of Allowance was timely filed on September 14, 2005, with the appropriate fee. Copies of the papers that were filed, which include certificates of mailing under 37 C.F.R. §1.8, are enclosed.

In this case, Applicants provided a return postcard (copy enclosed) along with the response to the Notice of Allowance; however, the return postcard with a PTO stamp was not received by the undersigned. Accordingly, Applicants are relying on certificates of mailing under 37 C.F.R. §1.8 as evidence that the response to the Notice of Allowance was timely filed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 22, 2005  
Date of Deposit

Denise M. Bondur  
Signature

Denise M. Bondur  
Typed or Printed Name of Person Signing Certificate

As set forth in MPEP §711.03(c)(I)(B)

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).

In this case, certificates of mailing were signed by the undersigned's assistant, Denise M. Donahue, on both the issue fee transmittal and an accompanying cover letter, copies of which are enclosed. Accordingly, Applicants are submitting herewith a Declaration from Denise M. Donahue attesting to timely mailing of a response to the Notice of Allowance. Applicants are also submitting a copy of a page of our mail log from September 14, 2005, which confirms that the response to the Notice of Allowance was mailed on that date.

In view of the foregoing, Applicants respectfully request for the Examiner to withdraw the holding of abandonment in this case.

Finally, since it appears that the PTO did not receive the response to the Notice of Allowance and the accompanying check for the issue fee, Applicants are submitting herewith a new response and a new check for the issue fee. Entry hereof is respectfully requested.

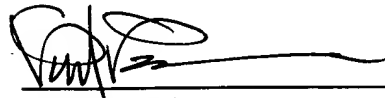
Applicants' undersigned attorney can be reached in our Boston Office at 617-521-7896. No fees are believed to be due for this Petition; however, if any fees are due in this application, please charge them to Deposit Account No. 06-1050 referencing Attorney Docket No. 12758-016001.

Applicants : Stefan Hennen, et al.  
Serial No. : 09/763,483  
Filed : May 25, 2001  
Page : 3

Attorney's Docket No.: 12758-016001  
Client Ref.: 1998P02408WOUS


Respectfully submitted,

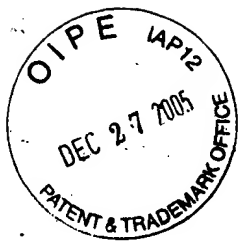
Date: December 22, 2005

  
\_\_\_\_\_  
Paul A. Pysher  
Reg. No. 40,780

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906  
016wdrawabdnment.doc



Attorney's Docket No. 12758-016001	Express Mail Label No.	Mailing Date September 14, 2005	<b><i>For PTO Use Only</i></b> <b><i>Do Not Mark in This Area</i></b>
Application No. 09/763,483	Filing Date May 25, 2001	Attorney/Secretary Init PAP/dwd	
Title of the Invention <b>TELECOMMUNICATIONS SYSTEM AND METHOD FOR PRODUCING A MASTER CLOCK IN THE SAME</b>			
Applicant <b>Stefan Hennen, et al.</b>			
Client Reference No. 1998P02408WOUS			
Enclosures ·Response to Notice of Allowance dated June 15, 2005 (1 page) ·Check in the amount of \$1709.00 ·Issue Fee Transmittal (Part B) (1 page) ·Request for Three (3) Patent Copies 			



**FR FISH & RICHARDSON P.C.**

225 Franklin Street  
Boston, Massachusetts  
02110-2804

c 199316

PAY One thousand seven hundred nine DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	Apr 14, 2005	\$ 1,709.00

FISH & RICHARDSON P.C.

52-153/112



**Fleet**

Fleet Maine, N.A.  
www.fleet.com  
South Portland, ME

BY

*[Signature]*  
dwd/12758.96001

⑈199316⑈ ⑆011201539⑆ 80 071 123⑈



# PATENT SERVICES US RESPONSE LOG

DATE	CLIENT / MATTER NO.	ATTY/SEC	ACTION / COMMENTS	PATTSY UPDATED
9/9	07470-089001	ESM/akl	Miss Part	
	02894-69401	APR/Kyl	Response	
	06129-15800	IK 21	Response	
	05918-259001	MMH/Kyl	Issue Fee	
9/12	14675-01000	CXC/CXC	Response	
	01194-438001	TPM/CZL	Response	
	12144-015001	CXC/CXC	Mining Patents	
	10554-079001	SCH/ZZ	Issue Fee	
	1444-000051	TPM/CZL	IDS - no envelope	
	12716-004002	JPF/mjz	Issue Fee	
	10296-065001	RKT/mkf	Resp / IDS	
9/13	02894-683001	SZO/CXC	Response	
	10274-111051	ERT/mf	Mining Reg. / See	
9/14	09765-021001	DGM/mgC	Ntc of Appeal / Appeal Brief	
	12221-006001	DGM/mgC	At RCE / IDS	
	10278-029002	CXC/mgC	RCE / IDS	
	12758-016001	PAV/dnd	Issue Fee	
	10527-609004	TxN/mkf	Mining Patents	
9/15	13612-063001	NET/akl	Response	
9/16	13630-014001	MZO/CXC	Issue Fee	
	13292-012001	PAV/dnd	Issue Fee	
	15626-04714	SHD/ssh	IDS	
	08919-063001	RTA/akl	RCE	
	13681-003002	RSY/syb	Resp / Ntc of Appeal	
	08987-013001	RLH/gly	Issue Fee	
	10527-628001	RM/mkf	Response	
	12886-002001	RTH/akl	Issue Fee	
	14219-083051	PAV/dnd	Response	
9/17	10027-410002	JPF/Kyl	Response	
	14074-012001	RTA/ssh	Response	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,483	05/25/2001	Stefan Hennen	12758-016001	7480

7590 11/23/2005  
FAUSTINO A. LICHAUCO  
FISH & RICHARDSON, P.C.  
225 FRANKLIN STREET  
BOSTON, MA 02110

EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

Application No.

09/763,483

Examiner

FOX

Applicant(s)

Hennen

Art Unit

2664

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment